

SCOTT, et al  
Appl: No. 10/589,075  
July 22, 2008

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings includes changes to sheets 2/5, 3/5 and 4/5. These sheets replace the original sheets 2/5, 3/5 and 4/5.

**REMARKS/ARGUMENTS**

Claims 1-23 stand rejected in the outstanding Official Action. Claims 4, 17, 18, 22 and 23 have been cancelled without prejudice and claims 1, 5-10 and 19 amended. Therefore, claims 1-3, 5-16 and 19-21 remain in this application.

The Examiner's acknowledgment of Applicants' priority claim and receipt of the certified copy of the priority document from WIPO is very much appreciated. Additionally, the Examiner's consideration of prior art submitted with Applicants' previously filed Information Disclosure Statement is appreciated.

The Patent Office objects to the Abstract, the arrangement of the specification and the drawings. It is appreciated that the Examiner has brought the Abstract, the arrangement of the specification and the drawings to the applicant's attention. It is noted that the objection to the Abstract, the arrangement and the drawing objection appear to be an indication that the originally filed specification and drawings (transmitted from WIPO) do not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

"if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations." Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office (including the Chief Draftsman's Office) may not require Abstract changes, specification format changes (including the addition of headings) and/or drawing corrections (including changes in paper size, margins, etc.) as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification and these drawings were forwarded from WIPO, by definition, they meet the PCT requirements (they are not forwarded until they meet PCT requirements.). Therefore, the objection to the Abstract, the specification and the Notice of Draftsman's Patent Drawing Review is respectfully traversed and reconsideration thereof is respectfully requested.

Notwithstanding the above, Applicants have submitted a replacement abstract in accordance with PTO preferences. Inasmuch as there is no requirement for a national phase application of a PCT International application to have headings or subheadings, Applicants have refrained from adding any such headings.

Regarding the drawing objections, applicants have included replacement drawing sheets removing the objected to "additional 5 curly bracket" and made the correction in Figure 5 as requested. Applicants have included replacement sheets 2-4 of the 5 originally submitted sheets of drawings. Applicants believe the replacement sheets obviate all drawing objections and notice to that effect is respectfully requested.

On page 5, section 6 of the Official Action, claims 1, 17, 19 and 23 are objected to. Applicants have cancelled without prejudice claims 17 and 23 and amended claims 1 and 19. In the claim amendments, applicants have changed the formatting of the claims so as to more

clearly denote the various structures or method steps and the various substructures and/or sub-method steps. Claim 10 has also been amended as suggested by the Examiner by the deletion of the word "and" in the claim. In view of the above amendments to claims 1, 5-10 and 19, the claims are now believed to be in proper form for consideration.

Claims 1-23 stand rejected under 35 USC §102 as being anticipated by Frey (U.S. Publication 2002/0159030). Independent claims 1 and 19 have been amended to clearly recite a wavefront shaping means disposed between the radiation means and the inspecting means for compensating for non-planarity (introduced by the object having said specified shape). It is noted that in the Frey reference, the shape of the human eye is not being observed and Frey relies only upon the fact that the ideal eye acts in effect like a plane reflector. Hence, Frey uses planar illuminating radiation and deviations in the reflected radiation from the eye indicate eye abnormalities.

The claimed invention utilizes the wavefront shaping means to anticipate non-planarities (which will be introduced by reflection from the specified shape) so that the final beam after being transmitted through or reflected from the object having the specified shape will be a planar beam. The detection of any irregularities from this planar reflected beam will indicate variations from the desired specified shape.

While both the present invention and Frey are analyzing the resultant beam for planarity, Applicants' independent claims introduce a wavefront shaping means to the otherwise planar wavefront to deform the wavefront in anticipation of the specified shape of the object further introducing non-planarities in the wavefront. The wavefront shaping means introduces the

mirror image of the non-planarities which will be caused by the specified shape object so that the resultant transmission or reflection is planar in nature.

The Frey reference clearly has no “wavefront shaping means” which is disposed between the radiation means and the inspecting means and therefore cannot anticipate or render obvious the subject matter of Applicants’ independent claims 1 and 19. The limitation added to claims 1 and 19 was taken from former claims 4 and 22 and therefore these claims have been cancelled without prejudice. Additionally, claims 17, 18 and 23 have been cancelled.

Accordingly, in view of the above amendments and the inclusion of the “wavefront shaping means” and its specified location, independent claims 1 and 19 (as well as claims dependent thereon) cannot be anticipated or rendered obvious by the Frey reference and any further rejection thereunder is respectfully traversed.

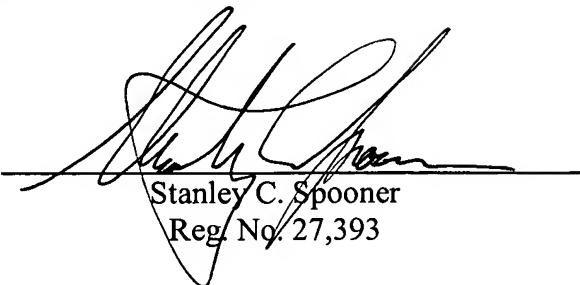
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1-3, 5-16 and 19-21 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants’ undersigned representative.

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Respectfully submitted,

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Attachment: Replacement Sheets 2/5, 3/5 & 4/5